

Application. No. 10/688,805
Amendment dated May 4, 2006
Reply to Office Action of February 7, 2006

REMARKS/ARGUMENTS

Applicant first wishes to thank Examiner Stokes for her indication of allowable subject matter. Reconsideration of the above-identified application is respectfully requested in view of the foregoing amendment and the following remarks. Claims 1, and 15 have been amended. Claims 1 - 29 remain in the case.

Applicant's specification page 6, line 19, through page 7, line 4, and page 8, line 23 provides support for the amendment to claim 1. This amendment clarifies in the claim the structural feature of the instant invention as a single multifunctional tool bit. No new material has been added.

The present invention is a single, multifunctional, surgical, rotary instrument to be used in a surgical dental motor driven handpiece for preparing an osteotomy for implant insertion, combining the functions of six surgical instruments in one tool. The device has structural features that provide the functions of a crestal bone height reducer, an osteotomy locator, an osteotomy lateral redirector, an osteotomy drill, a tapered countersink, and an osteocompressor. These structural features include a dual-lobed, single plane tip that remains where the drilling is initiated without wandering, and facilitates the precise location of the osseous implant site.

Claims 1 - 2 and 4 - 28 were rejected under 35 U.S.C. §102(b) as being anticipated by KUMAR, United States Patent Number 6,363,662. Several aspects of the six separate tool bits described in KUMAR are similar to aspects of the single multifunctional device described by Applicant, but there is no suggestion to combine the features described by KUMAR in a single instrument.

KUMAR was reviewed in the Background of Applicant's specification, on page 5, line 22 through page 6, and on page 6, lines 11 - 16, where it was noted that KUMAR calls for

swapping instruments to accomplish "the functions of threadformers, counterbores, and cutting tips". In addition, "KUMAR ...does not speak to an osteotomy locator or lateral osteotomy redirector, but instead has a distal tip composed of a multi-lobed, multi-planar tip. A multi-lobed, multi-planar distal tip will physically wander using a handheld instrument when function is initiated, making the precise location of the osseous implant site difficult".

KUMAR in claim 2 and in column 5 lines 60 - 64 describes a drill, in claim 3 and in column 10, lines 56 - 65 a threadformer, in claim 4 and in column 10, lines 29 - 39 a counterbore, in claim 5 and in column 6 line 49 a cutting tip. The drawings and text make clear that these are separate devices whose single common feature is a hard carbon coating.

Claim 1 of the instant invention speaks to a osteotomy locator tip having dual lobes disposed in a common plane. This is shown as element 12 in Figure 2 of the application and described in the specification on page 9, lines 8 - 11. In claim 2 of the instant invention, a redirectable tip is recited, as described in the specification on page 9, lines 6 - 13, and further described on page 14, line 8, is the lateral redirection portion, element 14 shown in Figure 2. These features are nowhere mentioned in KUMAR, which does not describe location or redirection, nor are these features shown in Figures 3, 4, and 6 of KUMAR.

KUMAR describes element 38 as a cutting head tip, column 7, line 3, and end cutting edges 36 terminating in cutting head tip 38, column 6, lines 45 - 50. KUMAR nowhere speaks to lateral redirection. Claim 15 is similarly unique and not anticipated by KUMAR. Claims 4 and 18 are dependent on claim 2 and on claims 15 through 17, and thus their rejection is traversed. Claims 5 and 19 are dependent on claims 4 and 17 and thus their rejection is also traversed.

In addition, KUMAR claims the drill, threadformer, counterbore and cutting tip as separate and distinct items, as

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discussed above, in contrast to the present single instrument combining these and other physical features.

Claims 3 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over KUMAR, based on the contention that KUMAR disclosed the claimed invention, and the additional claim of a 2.0 mm redirectable tip would be obvious. The redirectable tip is defined in Applicant's specification, page 20, lines 6 - 15. Again, this design feature and function are nowhere mentioned in KUMAR. As above, Applicant believes that KUMAR does not anticipate the invention, nor does KUMAR suggest Applicant's combination instrument, whose novel design combines "six separate surgical instruments in one tool bit" page 6, lines 21, to page 7, line 1.

Since it is believed that KUMAR does not anticipate or render obvious Applicant's invention, and the rejection of claims 1, 2, and 15 of the present invention have been overcome, Applicant respectfully traverses the rejection of all claims under 35 U.S.C. §102(b) and §103(a) as being anticipated or rendered obvious by KUMAR.

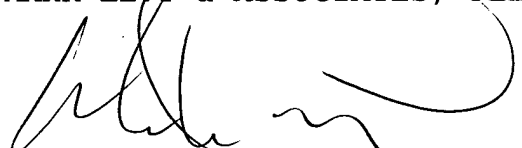
In view of the foregoing amendments and remarks Applicant respectfully requests that claims 1 - 29 be allowed and the application passed to issue.

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(Date of Deposit)
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